

REGULAR MEETING
AGENDA

Wednesday, January 14, 2009 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

Due to necessary scheduling of ZBA members, the following items may be considered out of sequence and application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting.

CONTINUATION OF PUBLIC HEARING

Opened on December 17, 2008 and continued to tonight January 14, 2009. The available ZBA members attending on December 17th are Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Polly Davis. This hearing must be concluded by January 21st (within 35 days after its December 17th opening). However, the next scheduled regular ZBA meeting is February 11, 2009. Therefore, if the ZBA determines to continue this hearing further, a special meeting must be scheduled by January 21st when all of the seated members can attend. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing until no later than March 27, 2009 (up to 100 total days).

CALENDAR NO. 63-2008

TO BE CONTINUED TO FEBRUARY 11th

The application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on November 19, 2008 for variances of Sections 226, 334, 665, 904, 906.6 and 944 of the Darien Zoning Regulations, to allow the construction of a two story retail, commercial sales and services building, with external storage or activity as may be permitted; Section 226: 19.0 in lieu of 20.0 feet minimum required parking space depth; Section 334: construction on a portion of the lot with 74.8 in lieu of 100.0 feet minimum required lot depth; Section 655: 16.4 in lieu of 30.0 feet minimum required front yard setback; 3.2 in lieu of 0.0 or 4.0 feet

minimum required side yard setback; 2.0 in lieu of 25.0 feet minimum required rear yard setback; 39.8 in lieu of 20.0% maximum allowable building coverage; 91.4 in lieu of 80.0% maximum allowable developed site area; 0.0 in lieu of 6.0 feet minimum required front landscape depth; Section 904: 8 in lieu of 33 minimum required parking spaces; Section 906.6: 0.0 in lieu of 6.0 feet minimum required front parking setback; and Section 944: 0.0 in lieu of 25.0 feet minimum required rear yard landscape buffer abutting the adjacent residential zone lots. The property is situated on the southeast side of Boston Post Road Street approximately 0 feet west of the intersection of Boston Post Road and the I-95 northbound Exit 13 entrance ramp and is shown on Assessor's Map #63 as Lot #1, being 1292 Boston Post Road and located in an SB (commercial) Zone.

PUBLIC HEARINGS

CALENDAR NO. 68-2008

The application of Charles Fiordalis filed on December 17, 2008 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 12.2 in lieu of 13.0 feet minimum required west side yard setback; 19.2 in lieu of 20.0 minimum required total of two side yards setback; and construction of additional building volume on a lot with 22.54 in lieu of 20.0% maximum allowable building coverage. The property is a through lot situated on the south side of Cherry Street and the north side of St. John's Place approximately 300 feet east of the intersection of Cherry Street and Fitch Avenue and is shown on Assessor's Map #41 as Lot #62, being 11 Cherry Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 69-2008

The application of Robert F. Maslan, Jr., Esq. on behalf of Thomas Jackson filed on December 17, 2008 for variances of Sections 386b and 406 of the Darien Zoning Regulations, to allow the restoration/reconstruction of a two and one-half story residence; Section 406: 23.0 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the southwest side of Rings End Road approximately 220 feet southeast of the intersection of Rings End Road and Harbor Road and is shown on Assessor's Map #51 as Lot #5, being 84 Rings End Road and located in an R-1 (residential) Zone.

CALENDAR NO. 70-2008

The application of Mark Andriuk and J. Baron Land Co. LLC, on behalf of Francis & Edith Nelson filed on December 17, 2008 for an amendment to the approved plans of ZBA Calendar No. 8-2008, to allow the property line between the 2 proposed building lots to be modified. The property is situated on the west side of Raymond Street approximately 600 feet south of the intersection of Raymond Street and Tulip Tree Road and is shown on Assessor's Map #33 as Lot #11, being 103 Raymond Street and located in an R-1/2 and R-1 (residential) Zone.

CALENDAR NO. 71-2008

The application of Amy S. Zabetakis, Esq. on behalf of Joseph & Sarah Licari filed on December 17, 2008 for an interpretation of Sections 354, 384, and 406; and if necessary a variance of Sections 354 and 406 of the Darien Zoning Regulations, to allow the installation of a Bilco style door; Sections 354, 384, and 406: an interpretation that the proposed Bilco door may extend no closer than 5.0 feet from the west property line; or Sections 354 and 406: 6.09 in lieu of 6.41 feet minimum required side yard setback. The property is situated on the south side of Cherry Street approximately 50 feet west of the intersection of Cherry Street and Ash Street and is shown on Assessor's Map #41 as Lot #57, being 21 Cherry Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 72-2008

POSTPONED TO FEBRUARY 11th

The application of John Olsen filed on December 17, 2008 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a modified roof on the existing detached garage; Section 406: 29.0 in lieu of 40.0 feet minimum required front yard setback. The property is situated on the north side of Sunset Road approximately 1936 feet east of the intersection of Sunset Road and Mansfield Avenue and is shown on Assessor's Map #15 as Lot #67, being 50 Sunset Road and located in an R-1/2 (residential) Zone.

CALENDAR NO. 73-2008

POSTPONED TO FEBRUARY 11th

The application of Loren M. Meyer, AIA on behalf of Theodoros Giapoutzis dba Darien Diner filed on December 17, 2008 for variances of Sections 675b, 674b, and 904h of the Darien Zoning Regulations, to allow the construction of a one story vestibule and entry foyer addition; Section 675b: 69.0 in lieu of 75.0 feet minimum required Boston Post Road front yard setback; 68.0 in lieu of 75.0 feet minimum

required Richmond Drive front yard setback; Section 674b: 670 in lieu of 1,200 square feet minimum required customer table and seating area; and Section 904h: 17 in lieu of 29 minimum required parking spaces. The property is situated on the northwest side of Boston Post Road at the northeast corner formed by the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #12 as Lot #35, being 171 Boston Post Road and located in the SB-E (commercial) Zone.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Update on status of repairs and compliance with the stipulation in Calendar No. 12-2008, regarding property at 139 Tokeneke Road and 79 Locust Hill Road.
3. Requested two year extension, received December 5, 2008, to obtain all required permits and begin on-site construction for ZBA Calendar No. 37-2008, Law Office of Bruce Hill, LLC on behalf of the Town of Darien and the Darien Police Department Building Committee, 25 Hecker Avenue. The Public Hearing of this matter was June 18, 2008. Initial ZBA approval would have expired on January 3, 2009.
4. Requested amendment to the approved plans of Calendar No. 65-2007, Michael & Christine Imbrogno, 25R Gardiner Street.
5. Approval of Minutes of meeting on December 17, 2008 (seated ZBA members were Vic Capellupo, Chuck Deluca, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Polly Davis).
6. Approval of Minutes of Calendar No. 64-2008, Jacqueline Pask and Acme Sign Company on behalf of Baywater Post Road Associates II, LLC, 1020 Boston Post Road. ZBA members participating in this decision were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and Ruth Anne Ramsey.

7. Requested 6 month extension, to obtain all required permits and begin on-site construction; and requested amendment to the approved plans of Calendar No. 46-2008, Mary Ann Morrison, 48 Raymond Street. The Public Hearing of this matter was July 16, 2008. Initial ZBA approval expires on January 31, 2009.
8. Requested amendment to the approved plans of Calendar No. 91-2005, Joel & Kristy Schutzman, 31 Fairfield Avenue.
9. Requested two month extension, received December 30, 2008, to obtain all required permits and begin on-site construction, and requested amendment to the approved plans for ZBA Calendar No. 24-2008, Archibald Russell, 10 Libby Lane. The Public Hearing of this matter was May 21, 2008. Initial ZBA approval would have expired on January 3, 2009.
10. Requested amendment to the approved plans of Calendar No. 66-2008, Carolyn Parker and NW Sign on behalf of Darien Joint Venture, LLC and JP Morgan Chase Bank, 454 Boston Post Road.
11. General discussion of Application Materials, hearing guidelines, hardship criteria, decision practices/ guidelines, project fit relative to neighbor properties, supervision/ inspection of construction projects, and/or requested changes.
12. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).